APPENDICES

APPENDIX A

AFFIDAVIT

I, AHMED SALIM AL MOKARRAB, of P.O. Box 1, Abu Dhabi, United Arab Emirates, MAKE OATH and say as follows:

1. I hold the position of Director of the office of the Minister of State for Foreign Affairs of the United Arab Emirates in Abu Dhabi, and was appointed to this post in 1990.

2. During the period 1981-1989 I was the Ambassador Extraordinary and Plenipotentiary of the United Arab Emirates to the United States of America, in Washington.

3. There is now produced and shown to me (marked Exhibit AM1) what I am informed and verily believe is the front page of a "Complaint for Damages" instituted in the United States District Court for the Western District of Texas El Paso Division Civil Action No. EP-14-16C. That page lists the names of Defendants in the action. I have appended serial numbers against the names of these Defendants, and I have done this for the purpose of clarifying statements which I shall be making later in this my affidavit.

4. There is now produced and shown to me (marked Exhibit AM2) two pages carrying numbers 21 and 22 which I am informed and verily believe are extracts from the "Complaint for Damages" the front page of which is referred to in Paragraph 3 of this my Affidavit.

5. There is now produced and shown to me (marked Exhibit AM3) three pages carrying numbers 3, 4 and 5 which I am informed and verily believe are extracts from "Amended Points of Claim" in proceed-

ings instituted in the High Court of Justice Queen's Bench Division Commercial Court by MCI Telecommunications Corporation against the United Arab Emirates and the Ministry of Defence of the United Arab Emirates - Case Number 1991 Folio 2336.

6. I hereby declare that the statements in Paragraph 85 on the page marked 21 of Exhibit AM2 - to the effect that in January 1988 I had told the representative of MCI Telecommunications Corporation that if the allegedly unauthorized telephone calls were attributable to members of the UAE Student Battalion the UAE would assume responsibility for such unauthorized telephone calls and pay MCI Telecommunications Corporation for such services - is totally and absolutely false. I made no such statement or commitment whatsoever at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to make any such statement or commitment, and to the best of my knowledge and belief, after careful inquiry and investigation, no such statement or commitment was ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

7. I hereby declare that during verbal discussions with officials of MCI Telecommunications Corporation on diverse dates in the spring of 1988 I indicated that while the UAE categorically and emphatically did not hold itself legally responsible to MCI Telecommunications Corporation for the alleged acts or omissions of members of its Student Battalion I would be prepared, in line with the overall mission and purpose of my post as Ambassador—namely to preserve and maintain the reputation of the UAE and of all personnel and institutions connected therewith, as well as to avoid any damage to relations with the host country, the USA, or to persons and organiza-

tions in it—I would give consideration, in appropriate cases, to making representations to individual members of the UAE Student Battalion to reimburse MCI Telecommunications Corporation for any charge or expense they had in fact incurred. I further declare that it was made clear on my part throughout my contacts with MCI Telecommunications Corporation that neither I nor the UAE authorities as such would wish to be in any way legally involved in this matter, or would hold ourselves legally committed in this regard.

8. I hereby declare that the statement in Paragraph 85 of Exhibit AM2—to the effect that I requested MCI Telecommunications Corporation to take no further legal action—is totally and absolutely false. I made no such request whatsoever at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to make any such request, and to the best of my knowledge and belief, after careful inquiry and investigation, no such request was ever made by anybody on behalf of the UAE Embassy in Washington or on behalf of the UAE Government. I recall, however, that during contacts with MCI Telecommunications Corporation it was stated on behalf of MCI Telecommunications Corporation that unless I agreed to pay for what they considered to be unauthorized telephone calls made by members of the UAE Student Battalion MCI Telecommunications Corporation would inform the Press and the media in the USA and thereby initiate a campaign against the UAE which would be lurid and hostile and very damaging to the UAE and its relations with the host country, the USA. My response—to what I considered to be a threat and an act of blackmail—was that it would not help in ultimately promoting an amicable resolution of this matter. I further declare that I did not ask MCI Telecommunications Corporation to forbear from any-

thing, and I did not offer anything in return for any such alleged forbearance, and that I authorized no member of my staff whomsoever to make any such request to MCI Telecommunications Corporation, and that to the best of my knowledge and belief, after careful inquiry and investigation, no such request was ever made by anybody for on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

9. I hereby declare that the statement in Paragraph 86 of Exhibit AM2 about representations by me is totally and absolutely false. I made no such representations whatsoever at that time or at any other time berore or after that date, and I authorized no member of my staff whomsoever to make any such representations, and to the best of my knowledge and belief, after careful inquiry and investigation, no such representations were ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

10. I hereby declare that the statement in Paragraph 87 of Exhibit AM2—as regards representations by me —is totally and absolutely false. I made no such representations at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to make any such representations, and to the best of my knowledge and belief, after careful inquiry and investigation, no such representations were ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

11. I hereby declare that the statement in Paragraph 88 of Exhibit AM2—that I had requested MCI Telecommunications Corporation to refrain from taking action in the case for another month—is totally and absolutely false. I made no such request whatsoever at that time or at any other time before or after

that date, and I authorized no member of my staff whomsoever to make any such request, and to the best of my knowledge and belief, after careful inquiry and investigation, no such request was ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government. I do recall, however, that in or about August 1988 MCI Telecommunications Corporation were informed verbally by me that the alleged evidence presented to the UAE Embassy in Washington by MCI Telecommunications Corporation had not, after very careful and thorough consideration, convinced me that the members of the UAE Student Battalion had in fact made the alleged telephone calls, and that, consequently, I would not use my good offices to pursue the matter any further.

12. I hereby declare that the statement in Paragraph 89 of Exhiibt AM2—that I assumed responsibility for and would pay for the alleged telephone calls—is totally and absolutely false. I made no such comment whatsoever at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to make any such commitment, and to the best of my knowledge and belief, after careful inquiry and investigation, no such comment was ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

13. I hereby declare that the statement in Paragraph 13(i)(e) and (f) of Exhibit AM3—about an agreement on my part and an arrangement—is totally an absolutely false. I was never party to any such agreement or arrangement at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to engage in any such agreement or arrangement, and to the best of my knowledge and belief, after careful inquiry and

investigation, no such agreement or arrangement was ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

14. I hereby declare that the statement in Paragraph 13(iv) of Exhibit AM3—about express assurances of payment given by me—is totally and absolutely false. I made no such assurances, express or implied, at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to make any such assurances, and to the best of my knowledge and belief, after careful inquiry and investigation, no such assurances were ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

15. I hereby declare that during the period relating to the claim by MCI Telecommunications Corporation in respect of the alleged improper telephone calls by members of UAE Student Battalion that Battalion comprised about 800 members. I further declare that to the best of my knowledge and belief other Middle East States also had student battalions in the same region numbering a total of approximately 2000 members.

16. I hereby declare that the names listed by MCI Telecommunications Corporation in Exhibit AM1 have been very carefully checked by be and by my staff, and that after making due allowances for any possible variations or inaccuracies resulting from the phonetic rendering of Arabic into English or from transliteration into English, and despite my own and my staff's collaborative efforts and desire to err in favour of identifying any name in the aforementioned list as that of a member of the UAE Student Battalion if at all reasonable or possible, we were forced to the conclusion that the names numbered 1, 2, 3, 6, 7,

11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24 and 25 (i.e., a total of 19 out of 25) could not be identified as members of the UAE Student Battalion. The remaining names and military ranks on the list appeared vagualy similar to those of persons who were members of the UAE Student Battalion, and in consequence the persons concerned were approached by the appropriate UAE Government officials in Abu Dhabi and thoroughly interrogated on the question of the utilization of MCI Telecommunications Corporation telephone services, and they all without exception claimed that they had never made use of MCI Telecommunications Corporation services at any time whatsoever.

17. I wish to state that a few months before MCI Telecommunications Corporation made the first intimation to the UAE Embassy in Washington about alleged improper telephone calls I was visited at the UAE Embassy in Washington by a gentleman who gained access to me as a result of representing to my staff that he was a senior official of MCI Telecommunications Corporation and that he wanted to see me on an important and urgent matter. I saw that gentleman—whose name I cannot recall, but I remember that he was Black with albino patches on his hands. He asked me to sign a document to the effect that MCI Telecommunications Corporation would become the sole representative and agent of the USA and the UAE. I rejected this offer and dismissed the gentleman.

SWORN in Abu Dhabi this 30th day of March 1993

By: /s/ Ahmed Salim Al Mokarrab
AHMED SALIM AL MOKARRAB

United Arab Emirates
Emirate of Abu Dhabi)
City of Abu Dhami) ss:
Embassy of the)
United States of America

BEFORE ME:

/s/ Charles Robertson
CHARLES E. ROBERTSON, III
Consul of the
United States of America

APPENDIX B

AFFIDAVIT

I, MUBARAK RASHID AL GHAFLI, of P.O. Box 3519, Abu Dhabi, United Arab Emirates, MAKE OATH and say as follows:

1. I am a Lieutenant Colonel in the Armed Forces of the United Arab Emirates and hold the position of Protocol Officer at the General Headquarters of the Armed Forces in Abu Dhabi, and was appointed to this position in January 1991.
2. During the period November 1987 - September 1989 I was the Military Attache at the Embassy of United Arab Emirates in Washington.
3. There is now produced and shown to me (marked Exhibit MRG1) what I am informed and verily believe is the front page of a "Complaint for Damages" instituted in the United States District Court for the Western District of Texas El Paso Division Civil Action No. EP-14-16C. That page lists the names of Defendants in the action. I have appended serial numbers against the names of these Defendants, and I have done this for the purpose of clarifying statements which I shall be making later in this my Affidavit.
4. There is now produced and shown to me (marked Exhibit MRG2) two pages carrying numbers 21 and 22 which I am informed and verily believe are extracts from the "Complaint for Damages" the front page of which is referred to in Paragraph 3 of this my Affidavit.
5. There is now produced and shown to me (marked Exhibit MRG3) three pages carrying numbers 3, 4 and 5 which I am informed and verily believe are extracts from "Amended Points of Claim" in proceedings instituted in the High Court of Justice Queen's Bench Division Commercial Court by MCI Telecom-

munications Corporation against the United Arab Emirates and the Ministry of Defence of the United Arab Emirates - Case Number 1991 Folio 2336.

6. I hereby declare that the statement in Paragraph 86 of Exhibit MRG2 about representations by me allegedly reaffirming statements in Paragraph 85 of the same Exhibit is totally and absolutely false. I made no such representations whatsoever at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to make any such representations, and to the best of my knowledge and belief, after careful inquiry and investigation, no such representations were ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

7. I hereby declare that the statement in Paragraph 87 of Exhibit MRG2 - as regards representations by me - is totally and absolutely false. I made no such representations at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to make any such representations, and to the best of my knowledge and belief, after careful inquiry and investigation, no such representations were ever made by anbody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

8. I hereby declare that the statement in Paragraph 88 of Exhibit MRG2 - that the UAE Ambassador in Washington had requested MCI Telecommunications Corporation to refrain from taking action in the case for another month - is to the best of my knowledge and belief totally and absolutely false. I am not aware that the such request had been made by the Ambassador, and if it had been made by him at that time or at any other time before or after that date I would have become aware of that fact in the normal

course of my business at the Embassy. I further declare that I personally did not make any such request and that to the best of my knowledge and belief, after careful inquiry and investigation, no such request was ever made by anybody for or on behalf of the UAE Government.

9. I hereby declare that the statement in Paragraph 89 of Exhibit MRG2 - that I assumed responsibility for and would pay for the alleged telephone calls - is totally and absolutely false. I made no such commitment whatsoever at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to make any such commitment, and to the best of my knowledge and belief, after careful inquiry and investigation, no such commitment was ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

10. I hereby declare that the statement in Paragraph 13(i)(e) and (f) of Exhibit MRG3 - about an agreement on my part and an arrangement - is totally an absolutely false. I was never party to any such arrangement at that time or at any other time before or after that date, and I authorized no member of my staff whomsoever to engage in any such agreement or arrangement, and to the best of my knowledge and belief, after careful inquiry and investigation, no such agreement or arrangement was ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

11. I hereby declare that the statement in Paragraph 13(iv) of Exhibit MRG3 - about express assurances of payment given by me - is totally and absolutely false. I made no such assurances, express or implied, at that time or at any other time before or after that date, and I authorized no member of my staff whom-

soever to make any such assurances, and to the best of my knowledge and belief, after careful inquiry and investigation, no such assurances were ever made by anybody for or on behalf of the UAE Embassy in Washington or on behalf of the UAE Government.

12. I hereby declare that during the period relating to the claim by MCI Telecommunications Corporation in respect of the alleged improper telephone calls by members of UAE Student Battalion that Battalion comprised about 800 members. I further declare that to the best of my knowledge and belief other Middle East States also had student battalions in the same region numbering a total of approximately 2000 members.

13. I hereby declare that the names listed by MCI Telecommunications Corporation in Exhibit MRG1 have been very carefully checked by me and by my staff, and to my knowledge also by the UAE Ambassador in Washington, that after making due allowances for any possible variations or inaccuracies resulting from the phoentic rendering of Arabic into English or from transliteration into English, and despite my own and my colleagues collaborative efforts and desire to err in favour of identifying any name in the aforementioned list as that of a member of the UAE Student Battalion if at all reasonable or possible, we were forced to the conclusion that the names numbered 1, 2, 3, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24 and 25 (i.e. a total of 19 out of 25) could not be identified as members of the UAE Student Battalion. The remaining names and military ranks on the list appeared vagualy similar to those of persons who were members of the UAE Student Battalion, and in consequence the persons concerned were approached by the appropriate UAE Government officials in Abu Dhabi and thoroughly interrogated on the question of the utilization of

MCI Telecommunications Corporation telephone services, and they all without exception claimed that they had never made use of MCI Telecommunications Corporation services at any time whatsoever.

SWORN in Abu Dhabi this 30th day of March 1993

By: /s/ Mubarak Rashed Al-Ghafli
MUBARAK RASHED AL-GHAFLI

United Arab Emirates
Emirate of Abu Dhabi)
City of Abu Dhabi) ss.
Embassy of the)
United States of America

BEFORE ME:

/s/ Charles Robertson
CHARLES F. ROBERTSON, III
Consul of the
United States of America